

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

DARRYL TUGGLE,)
v.)
Plaintiff) Case No. 4:04-CV-00023
v.)
) **ORDER**
JO ANNE B. BARNHART,)
Commissioner of Social Security,) By: Jackson L. Kiser
v.) Senior United States District Judge
Defendant)

The *Plaintiff's Motion for Attorney's Fees* [15] filed on February 21, 2006 by Darryl Tuggle ("Plaintiff") for an award of attorney's fees under the provisions of 42 U.S.C. § 406(b)(1) is now before this Court. The Commissioner of Social Security ("Commissioner") has noted her consent to payment of said fees by a *Response* [17] filed on March 23, 2006. Magistrate Judge B. Waugh Crigler filed a *Report and Recommendation* [18] with this Court on March 27, 2006 recommending that this Court grant the *Plaintiff's Motion for Attorney's Fees*.

Accordingly, the *Report and Recommendation* of the Magistrate Judge is hereby adopted, the *Plaintiff's Motion for Attorney's Fees* is hereby granted, and the counsel for the Plaintiff is hereby awarded attorney's fees in the amount of \$6,379.30.

The Commissioner is hereby ordered to pay the Plaintiff's counsel \$6,379.30 in attorney's fees for the work performed in this case.

The Clerk is directed to send a certified copy of this *Order* to all counsel of record and to Magistrate Judge B. Waugh Crigler.

ENTERED this 31st day of March, 2006.

S/Jackson L. Kiser
Senior United States District Judge